# Why Have a Policy?

The State of Colorado has a vital interest in maintaining safe, healthful and efficient working environments for its employees, clients and the public. Employees impaired by alcohol or others drugs during working hours may pose safety and health risks to themselves and to others. The state recognizes its obligation to address this issue.

In addition, Congress enacted the **Drug-Free Workplace Act of 1988** which requires all grantees and contractors receiving in excess of \$25,000 from any federal agency to certify that the agency will maintain a drug-free workplace. The **Omnibus Transportation and Employee Testing Act of 1991 and** the Final Rules (49 CFR, part 40) for driver's licenses (CDL) have further requirements. The occupations of these individuals are now designated as safety related. The State of Colorado also recognizes its responsibility to comply with the above federal legislation.

### Resources

Several options for alcohol and drug abuse treatment coverage exist. See your payroll/personnel administrator or your medical plan guide for complete information on your benefits and coverage.

Contact the following agencies for more information, consultation or assistance for yourself or other state employees:

- Colorado Department of Personnel/GSS

  Drug-Free Workplace Coordinator (303) 866-4316

  Colorado State Employees Assistance Program

  (C-SEAP) 303-866-4314 or 800-821-8154;

  Benefits Office 303-866-3434 or 800-719-3434
- Colorado Department of Human Services Alcohol and Drug Abuse Division 303-866-7480
- National Cocaine Hotline 800-COCAINE
- Alcoholics Anonymous General Services Office 212-870-3400 Meeting information 303-322-4440; Al-Anon meeting information 303-321-8788
- Rational Recovery(Denver) 303-331-2698
- Center for Substance Abuse Prevention Employer's Helpline 800-843-4971
- Center for Substance Abuse Treatment 800-662-HELP(4357)
- National Council on Alcoholism and Drug Dependence Hope Line 800-622-2235
- Mile High Council on Alcoholism and Drug Abuse
   Denver 303-825-8113

# Substance Abuse Policy for Colorado State Employees



# Executive Branch 2000 Update

This brochure contains the State of Colorado's **Employee Substance Abuse Policy** as stated in the Governor's Executive Order, along with policy implementation information.

## Hazards of Substance Abuse

Substance abuse costs the nation an estimated \$150 billion each year in medical care, lost productivity and insurance claims. The cost to Colorado is an annual \$100 million plus.

Each of us needs to be concerned because working with substance users/abusers can be dangerous, unpleasant and costly. Their work habits affect co-workers' safety, efficiency and work satisfaction. Anyone can have a problem with substance abuse.

The Federal Drug Enforcement Administration reports that 60 percent of the world's illegal drug production is consumed in the U.S., primarily by "recreational users." Every day:

- 23 million Americans use marijuana on regular basis;
- 10 million Americans use prescription drugs without a prescription;
- One out of every 10 Americans who drink is an alcoholic.

Why should these figures concern you or your employer-the State of Colorado? A national survey of persons attending treatment provides the answer:

- 75% said they used drugs on the job;
- 64% admitted drugs affected their performance;
- 44% said they sold drugs to fellow employees;
- 18% said they had stolen from coworkers to support their habits.

The physical effects associated with substance use/abuse include slower reaction time, mood swings and poor concentration or judgement.

Each year, employees who are "recreational users" of alcohol or other drugs are likely to:

- Have 2.5 times more absences of eight or more days;
- Injure themselves or a co-worker in a workplace accident three times as often;

Be one-third less productive;

- Generate 300 percent higher medical costs than non-users:
- Be late for work three times more often;
- File five times as many workers compensa tion claims.

### Co-Workers' Roles

The most effective way to handle substance use/abuse is for employees to make it clear that alcohol or other drug use on the job is unacceptable. Co-workers may, unintentionally, make it easy for substance abusers/users at work by:

- Covering for them;
- Taking over their work;
- Accepting excuses or rationalizations for unreasonable behavior;
- Ignoring obvious performance issues;
- Lending money to the abuser/user.

You can become part of the solution by:

- Expressing concern to the substance user/abuser and urging her or him to get help;
- Discussing the issue, *in confidence*, with your supervisor;
- Refusing to continue to cover up for the user/abuser.

Substance abuse can be tragic--even deadly. Co-workers are not doing abusers any favors by inaction or avoidance.

# Supervisors'/Managers' Roles

Supervisors and managers can make a difference. As a supervisor, one of your primary responsibilities is to assure efficient job performance. In view of the potential cost and safety risks, each of us needs to be concerned about employees who are drug users/abusers.

### Supervisors'/Managers' Roles (cont'd.)

One function of the Substance Abuse Policy is to encourage employees who may have substance abuse problems to seek rehabilitation. Generally, the sooner a person seeks help, the more successful the results. Supervisors should be alert to the need for help by noting changes in an employee's behavior or appearance patterns. Some common signs of alcohol or other drug abuse are:

- Frequent absenteeism, often for questionable reasons;
- Extended lunch hours or breaks;
- Problems with co-workers:
- Deteriorating personal grooming/hygiene
- Errors in judgement; and/or,
- Increased accidents on and off the job.

If you notice these signs:

- 1. Document your observations. Be objective, fair and consistent;
- 2. Meet with the employee to discuss your observations;
- 3. Develop a written plan of action for improvement;
- 4. If little or no improvement occurs, meet with the employee again and discuss your concerns. Follow up as necessary according to your agency's personnel rules, policies and procedures.

Ignoring unacceptable or erratic performance does no one any favors and inaction may be perceived as condoning these behaviors. You can refer the employee to C-SEAP or another counseling service. Remember, your objective is not to diagnose an employee's underlying problems, but to advise the employee about poor performance and to reach an agreement about ways to improve it.

Make it clear that alcohol and other drug use impairs job performance and is unacceptable. Consistently enforce work standards and take action when an employee's performance or safety becomes a problem. Plus become familiar with intervention resources available to you and your employees.

### **Colorado Substance Abuse Policy**

The State of Colorado has a vital interest in maintaining a safe, healthful and efficient working environment for its employees, clients and the public. Employees impaired by alcohol or other drugs during work hours may pose safety and health risks, not only to themselves, but to others.

Therefore, to ensure a safe working environment, it is the policy of the State of Colorado that use of alcohol, other drugs or controlled substances that result in job impairment is prohibited. Likewise, it is the policy of the State of Colorado that illegal possession, manufacture, use, sale or transfer of controlled substances on state property or during work hours by its employees is prohibited.

Violations of this policy will be just cause for management/supervisor intervention that may result in referral to mandatory treatment and/or in corrective or disciplinary actions up to and including termination.

# **Policy Implementation**

It is the state's intent to comply with each of the provisions of the Drug-Free Workplace Act of 1988 (P.L. 100-690, Title V, Sub-Title D), the Omnibus Transportation Employee Testing Act of 1991 and the Final Rules (49CFR, Part 40).

It is the responsibility of all management and supervisory personnel to implement these policies and to follow these guidelines to ensure fair and consistent application throughout the Executive Branch. or transfer of a controlled substance on state property or during working hours has occurred.

- 8. Each agency shall notify each employee of the state's drug awareness program pursuant to the federal Drug-Free Workplace Act of 1998, *et al.*
- 9. Each employee is required by law to inform the personnel office of her or his department within five (5) days after she or he is convicted for violation of any federal or state criminal drug statute where such violation occurred on state premises or during work hours. A conviction means a finding of guilt (including a plea of nolo contendre) or the imposition of a sentence by a judge or jury in any federal or state court.
- 10. The personnel administrator of each department must notify the U.S. government agencies with which that department contracts within (10) days after receiving notice from a federally funded employee or otherwise receiving actual notice of such a conviction for violation of any federal or state criminal drug statute where such violation occurred on state premises or during work hours. A copy of all such notices to the U.S. government shall be sent to the state personnel director.
- 11. The department or institution of higher education in which the grantee or contractor administratively resides; shall, within thirty (30) days after receiving notice from an employee, of a conviction for violation of any federal or state criminal drug statue where such violation occurred on state premises, take appropriate personnel action against such employee up to and including termination; or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
- 12. Should a supervisor become aware of a pattern of unsatisfactory job performance that has not been corrected by standard corrective proce-

heads of institutions of higher education. A supervisor trained in recognizing alcohol and other drug signs and symptoms who has reasonable suspicion to believe that an employee's use of drugs or alcohol has resulted or is likely to result in job impairment or in any way may jeopardize the safety of persons or property may request an employee to submit to a test. Supervisors must get approval from the appointing authority or her or his designee prior to requesting the test.

- (3.) For employees paid from federal funds, where federal laws or regulations are more stringent than those contained in this policy, the federal regulations and procedures will supersede this policy.
- (4.) (a.) Any alcohol or other drug testing where the outcome is a positive result, shall be verified through a confirmatory method. If a positive result is verified through a confirmatory test, it will be deemed a violation of this policy. (b.) Refusal to test or presenting of an adulterated/substituted sample is reported as a positive sample.
- (5.) All test results arising from this policy shall insure privacy, proper chain of custody and remain confidential. Any information gained should be communicated on a strict "need to know" basis.

### C. Refusal to Submit to Testing

Refusal by an employee or group of employees to submit to testing if there is reasonable suspicion based on specific objective facts, or refusal by an employee in a safety related position who has been requested to submit to testing by her or his supervisor with approval of the appointing authority or her or his authorized designee, is considered a violation of this policy and will be cause for management/supervisor intervention that may result in referral to mandatory treatment and/or in corrective or disciplinary actions up to and including termination.

14. To ensure compliance with this policy and its procedures, each agency is required to report by September 1 to the state personnel director in the Department of Personnel activities undertaken pur-

Each department or institution of higher education is responsible for issuing additional implementation procedures as necessary. This brochure does not substitute for legal advise.

- 1. The use of alcohol or other drugs by an employee becomes a matter of concern to the state when it interferes with her or his job performance, conduct, attendance or safety. The state's policy is directed toward rehabilitation whenever reasonable.
- 2. The policy does not prohibit the use of alcohol on state premises when approved by the authorized official for the function. If alcohol is served, non-alcoholic beverages must also be available for consumption. This guideline is subject to the policies and procedures of each agency.
- 3. Violations of this policy will be cause for management/supervisor intervention that may result in referral to mandatory treatment and/or corrective or disciplinary action up to and including termination and will be handled in accordance with applicable state, agency or institution of higher education personnel procedures.
- 4. Should an employee undergo alcohol/drug treatment, whether voluntary or mandatory, absence will be handled in accordance with existing leave policies and benefit plans. It remains the responsibility of the employee to meet established work standards.
- 5. In the case of mandatory treatment, it is the employee's responsibility to verify compliance to her or his supervisor.
- 6. Refusal to accept referral to mandated treatment or to follow recommended treatment plans will be considered a violation of this policy and, therefore, may subject the employee to corrective or disciplinary action up to and including termination.
- 7. The appropriate law enforcement agency shall be notified when there is reasonable suspicion to believe that illegal possession, manufacture, sale,

not been corrected by standard corrective procedures or the employee's own initiative, the supervisor may refer the employee for appropriate assistance, including but not limited to, the Colorado State Employees Assistance Program (C-SEAP).

13. Testing of Applicant and Employees. The State of Colorado may, at its discretion, require urinallysis or other screening in certain instances set forth as follows:

# 1. U.S. Department of Transportation (DOT) regulated (49 CFR, Part 40) employees.

Individuals who need to have a commercial driver's license (CDL) as part of their job, are considered "safety sensitive" positions under DOT. They will be subject to the following alcohol and other drug tests:

- Pre-employment (Drugs Only)
- Reasonable suspicion
- Post-accident
- Random
- Follow-up

DOT requires a substance abuse professional (SAP) evaluation with positive test results. Contact C-SEAP or the Drug-Free Workplace Coordinator for service referral.

### 2. Non-DOT employees

### A. Pre-employment screening

To prevent hiring individuals whose use of alcohol or other drugs indicates a potential for impaired or unsafe job performance, the state may implement pre-employment screening. This applies to all positions where the public health or safety may be affected.

### B. Current employees

(1.) Safety-related position: The Executive Director or heads of institutions of higher education may initiate procedures to require employees in safety related positions to submit to testing at the request of supervisors. Prior to requesting tests, supervisors must get approval for testing requests from the appointing authority or her or his designee.

(2.) Other employees: Reasonable suspicion

suant to this policy and its procedures. These reports will be forwarded to the governor for his information.

### **Definitions**

Alcohol or alcoholic beverages: "Alcohol" means beer, wine and all forms of distilled liquor containing ethyl alcohol. References to use of possession of alcohol include use or possession of any beverage, mixture or preparations containing ethyl alcohol including over the counter product.

Controlled substance: The term means any drug listed in 21 U.S.C 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, cocaine, crack, marijuana, PCP and amphetamines. They also include "legal drugs," which are not prescribed by a licensed medical practitioner or are prescribed legally, but used illegally.

Drug: Any substance (other than alcohol) that has known mind-or function-altering effects on a person. These include, but are not limited to, substances prohibited or controlled by Colorado and federal controlled substance laws. A prescribed drug is any substance prescribed for the individual by a licensed medical practitioner, and which is used in the manner, combination and quantity prescribed.

Job impairment: Impairment is determined through observation by a trained supervisor. Impairment is present when an employee's behavior or condition adversely affects performance (e.g., reduced alertness, coordination, reactions, responses or effort) or threatens the safety of her or himself or others or property; or exhibits unprofessional conduct detrimental to the public's perception of state personnel pursuant to the 1988 Executive Order on Integrity in Government. (eg., employee smells of alcohol, etc.)

Mandated treatment: Substance abuse treatment that may be required by the appointing authority as a condition of an employee's continued employment.

Reasonable suspicion: Suspicion of substance use based on specific objective facts as observed and documented by a trained supervisor.

Safety-related positions: Positions involving safety and health, state security or other responsibilities involving a high degree of trust and confidence.